

GROUND S OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-46 were properly rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Whether claims 1-46 were properly rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

3. Whether claims 1, 23, 45, and 47 were properly rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 18, 28, 34, and 39 of co-pending Application No. 10/670,561, filed on September 25, 2003, and issued as U.S. Patent No. 7,149,736

4. Whether claims 1-19, 23-41, and 45 were properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Bello *et al.* U.S. Patent No. 6,477,525 in view of Nakano *et al.*, U.S. Publication No. 2003/0217075.

5. Whether claims 20-22, 42-44, and 46 were properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Bello *et al.* U.S. Patent No. 6,477,525 in view of Nakano *et al.*, U.S. Publication No. 2003/0217075, in further view of Colossi *et al.*, U.S., Publication No. 2004/0139061.